

PS 8  
(8/88)

United States District Court

AUG 15 2008

for

DISTRICT OF THE NORTHERN MARIANA

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

U.S.A. vs: Masaiohy D. Sallem Docket No. 08-00017-002

**Petition for Action on Conditions of Pretrial Release**

COMES Margarita DLG. Wonenberg PRETRIAL SERVICES  
presenting an official report upon the conduct of Masaiohy D. Sallem  
who was placed under pretrial release supervision by the Alex R. Munson, Chief Judge  
sitting in the court Garapan, Saipan on the 5<sup>th</sup> date of June, 20 08  
under the following conditions:

- *The defendant is placed in the custody of Yuriko Chipwelong. He shall not relocate from the residence of the custodian without written permission of the court.*

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

Please refer to attached narrative.

PRAYING THAT THE COURT WILL

Pursuant to 18 U.S.C. §3148, order that a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just

ORDER OF COURT

ISSUE A SUMMONS ( ) Respectfully,

ISSUE A WARRANT ( ☒ )

NO ACTION ( )

Considered and Ordered this 15  
day of August, 2008 and ordered filed  
and made a part of the records in the  
above case.

M. Brennan  
U.S. District Designated Judge

Margarita DLG. Wonenberg  
U.S. Pretrial Services Officer

Place: Garapan, Saipan

Date: 8/15/08

**UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA	)	USDC Cr.Cs. No. 08-00017-002
Plaintiff,	)	
	)	
vs.	)	<b>VIOLATION REPORT</b>
	)	
MASAIOSHY D. SALLEM	)	
Defendant.	)	
	)	

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On May 15, 2008, the Defendant, Masaioshy D. Sallem appeared for an Initial Appearance Hearing on an Indictment which charged Ct. I: Conspiracy to Sell Government Property, in violation of 18 U.S.C. §§ 371 and 641; Ct. II: Theft of Government Property, in violation of 18 U.S.C. §§ 371 and 641. The defendant, through Defense Attorney, Steven Pixley, pled not guilty to the charges. The Court set jury trial and ordered the defendant remanded to the custody of the U.S. Marshals until further order.

On June 5, 2008, the defendant appeared for a Bail Hearing and was released on a \$5,000 unsecured bond and to the custody of Yuriko Chipwelong. Release conditions included that the defendant: report for pretrial supervision; surrender passport and not obtain any passport; not leave Saipan without written permission from the court; not relocate from the residence of the custodian without written permission of the court; avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to his co-defendants unless in the presence of his attorney and for preparation of his defense; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from any use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substance; submit to any method of testing required by the pretrial services officer or the supervising officer for determining whether the defendant is using a prohibited substance; refrain from obstructing or attempting to obstruct or tamper with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is required as a condition of release; and draw a map indicating the residence location of his third party custodian.

The defendant was released under conditions as imposed. He is alleged to have violated the following condition of his pretrial release:

**Condition of Release:** *The defendant is placed in the custody of Yuriko Chipwelong. He shall not relocate from the residence of the custodian without written permission of the court.*

On July 28, 2008, this officer received a telephone call from Yuriko Chipwelong stating that her son, Masaioshy Sallem, had not returned home after he left for work on July 23, 2008. She stated that she did not know why her son did not return home and is worried about her responsibilities as third party custodian. Ms. Chipwelong reported that her son has been drinking alcohol and gambling his money at various poker places on Saipan.

**Violation Report****Re: Masaioshy D. Sallem****Criminal Case No.: 08-00017-002****Page 2**

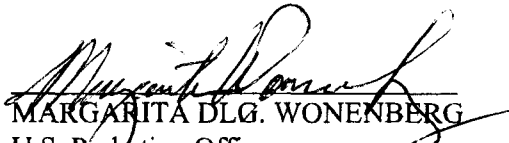
On July 30, 2008, Mr. Sallem was confronted by this officer regarding the allegations of his mother, Yuriko Chipwelong. He admitted to relocating his residence without written permission of the court, and stated that he did so because his mother demanded that he move out after an argument about doing chores around the house. He related that he does not want to return to his mother's house.

**Recommendation:** This officer respectfully submits that pursuant to 18 U.S.C. §3148, the court order that a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

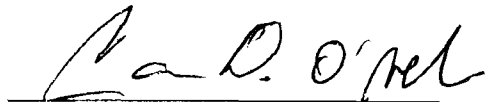
Respectfully submitted this 15<sup>th</sup> day of August 2008.

ROSSANNA VILLAGOMEZ-AGUON  
Chief U.S. Probation Officer

By:

  
MARGARITA D.L.G. WONENBERG  
U.S. Probation Officer

Reviewed by:

  
CARMEN D. O'MALLAN  
U.S. Probation Officer Specialist  
Supervision Unit Leader

cc: Beverly R. McCallum, Assistant United States Attorney  
Steven P. Pixley, Defense Attorney  
File

**RECEIVED**

JUN 05 2008

U.S. Probation Office  
District of NMIOriginal Filed  
on this date**United States District Court**

JUN - 5 2008

Clerk  
District Court

District of the Northern Mariana Islands

For The Northern Mariana Islands

UNITED STATES OF AMERICA

V.

**ORDER SETTING CONDITIONS  
OF RELEASE**MASAIOSHY DAIKICHI SALLEM

CASE NUMBER: CR-08-00017-002

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) United States District Court

Place

Horiguchi Building, Room 101

on

7/14/2008 at 9:00 a.m.

Date and Time

**RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND**

IT IS FURTHER ORDERED that the defendant be released provided that:

- ☒ (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Five Thousand dollars (\$ 5,000.00 ) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

## ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community. IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☒ (6) The defendant is placed in the custody of:  
(Name of person or organization) YURIKO CHIPWELONG

(Address) \_\_\_\_\_

(City and state) Saipan, MP

(Tel. No.) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: *Chipwelong*  
Custodian or Proxy

06/05/08  
Date

- ☒ (7) The defendant shall:
- ☒ (a) report to the U.S. Probation Office for Pretrial Supervision Services  
telephone number \_\_\_\_\_, not later than \_\_\_\_\_
  - ☐ (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \_\_\_\_\_
  - ☐ (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described \_\_\_\_\_
  - ☐ (d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_
  - ☐ (e) maintain or actively seek employment.
  - ☐ (f) maintain or commence an education program.
  - ☒ (g) surrender any passport to: Clerk of Court, U.S. District Court, Northern Mariana Islands, 2nd Floor Horiguchi Building., Beach Road, Garapan, Saipan
  - ☒ (h) obtain no passport.
  - ☒ (i) abide by the following restrictions on personal association, place of abode, or travel:  
Not leave the island of Saipan w/out written permission of the Court. Not relocate from the residence of the custodian w/out written permission of Court.
  - ☒ (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: his co-defendants unless in the presence of his attorney and for preparation of his defense in this case.
  - ☐ (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_
  - ☐ (l) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_
  - ☐ (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
  - ☒ (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
  - ☒ (o) refrain from ☒ any ☐ excessive use of alcohol.
  - ☒ (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
  - ☒ (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
  - ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
  - ☒ (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
  - ☐ (t) participate in one of the following home confinement program components and abide by all the requirements of the program which ☐ will or ☐ will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
    - ☐ (i) Curfew. You are restricted to your residence every day ☐ from \_\_\_\_\_ to \_\_\_\_\_, or ☐ as directed by the pretrial services office or supervising officer; or
    - ☐ (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
    - ☐ (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.
  - ☐ (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
  - ☒ (v) Defendant shall draw a map indicating the location of the residence in which he will be residing (3rd-party custodian's house).
  - ☐ (w) \_\_\_\_\_
  - ☐ (x) \_\_\_\_\_

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

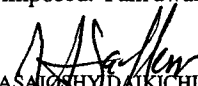
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
 MASATOSHI DAIKICHI SALLEM  
 Signature of Defendant

Address

SAIPAN, MP 96950

City and State

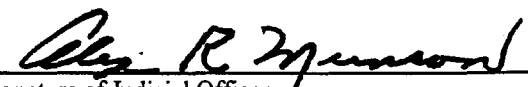
Telephone

**DIRECTIONS TO UNITED STATES MARSHAL**

The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 6-5-08

  
 Signature of Judicial Officer

Honorable, Alex R. Munson, Chief Judge  
 Name and Title of Judicial Officer



# United States District Court

District of the Northern Mariana Islands

UNITED STATES OF AMERICA

V.

MASAIOSHY DAIKICHI SALLEM

Defendant

## APPEARANCE BOND

CASE NUMBER: CR-08-00017-002

COPY of  
Original Filed  
on this date

JUN - 5 2008

Clerk  
District Court  
For The Northern Mariana Islands

Non-surety: I, the undersigned defendant acknowledge that I and my . . .

Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .  
personal representatives, jointly and severally, are bound to pay to the United States of America the sum of  
\$ 5,000.00 , and there has been deposited in the Registry of the Court the sum of  
\$ \_\_\_\_\_ in cash or \_\_\_\_\_ (describe other security.)

The conditions of this bond are that the defendant MASAIOSHY DAIKICHI SALLEM

(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on \_\_\_\_\_ at Office of the Clerk, Horiguchi Building, Garapan, Saipan  
Date Place

Defendant: MASAIOSHY DAIKICHI SALLEM Address: \_\_\_\_\_

Surety: \_\_\_\_\_ Address: \_\_\_\_\_

Surety: \_\_\_\_\_ Address: \_\_\_\_\_

Signed and acknowledged before me on 6-5-08

Date K. Lynn Lemieux  
K. Lynn Lemieux, Deputy Clerk  
Judicial Officer/Clerk

Approved: Alex R. Munson  
Honorable, Alex R. Munson, Chief Judge  
Judicial Officer